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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,459	01/22/2002	Hans Beer	2265/50685	6980

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CROWELL & MORING LLP
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EXAMINER

ALEXANDER, LYLE

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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01/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/051,459	Applicant(s) BEER ET AL.	
	Examiner Lyle A. Alexander	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beer et al.

See the appropriate paragraph of the 11/10/05 final rejection for the teachings of Beer et al.

Beer et al. are silent to the claimed steps of brushing and rinsing.

It is notoriously well known in the art to rinse a surface after it has been brushed to remove any loosened particles. It would have been within the skill of the art to modify Beer et al. and rinse the surface after brushing to remove any loosened particles.

Claims 1-2 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beer et al. alone or further in view of Hasebe et al. (USP 5,826,129).

See Beer et al. supra.

Hasebe et al. teach in column 1 lines 13-37 that silicone wafer surfaces are first brushed and sprayed with a jet of water to remove impurities. This process is desirable because it decrease the possibility of the removed contaminants becoming airborne, removes loosened contaminants that may be statically charged sticking to the substrate and concentrates the contaminants in the aqueous solution for easier disposal.

It would have been within the skill of the art to modify Beer et al. in view of Hasebe et al. and brush and wash the substrate to gain the above advantages.

Response to Arguments

Applicant's arguments filed 10/30/07 have been fully considered but they are not persuasive.

Applicant's state the original specification teaches on pages 10-11 brushing the membrane and subsequent impregnation of the membrane with an anionic wetting agent. The Office agrees with Applicant's characterization of the specification. Applicant's further state one would equate the taught "anionic wetting agent" with the "sodium alkyl sulfonate" referenced in the 9/28/07 37 CFR 1.132 Declaration. The Office does not agree with this statement. There are hundreds of thousands of anionic wetting agents commercially available and one having ordinary skill in the art would have no ability to pick "sodium alkyl sulfonate" from this large group. Also, it is not clear if all of the hundreds of thousands of anionic wetting agents would perform identically to "sodium alkyl sulfonate". Finally, even if there were support for "sodium alkyl sulfonate", of which there is not, the claims are not commensurate in scope with the 9/28/07 37 CFR 1.132 Declaration because "sodium alkyl sulfonate" is not claimed.

Applicant's states one having ordinary skill in the art would have recognized "casting dope" is the same process as that claimed. Applicants should submit timely corroborating evidence such as a text book or article equating "casting dope" with the claimed "phase inversion".

Applicant's state the instant invention distinguishes over the cited prior art by either mechanical brushing alone or in combination with rinsing of the membrane. The Office

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maintains that in the absence of a showing of unexpected results, one having ordinary skill in the art would have expected similar results from well-known brushing/rinsing methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A. Alexander whose telephone number is 571-272-1254. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lyle A Alexander
Primary Examiner
Art Unit 1743

